

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17761 of 2004

Between:

Sri M.V.Prakash, s/o M.Veeresham,
Manikeswari Nagar, Hyderabad.

..... PETITIONER

AND

1.The Commissioner, Civil Supplies & Ex.Officio Secretary,

Government of A.P., Civil Supplies Bhavan, Somajiguda,

Hyderabad-4.

2 The Chief Rationing Officer, Hyderabad City,

Opp:Anand Talkies, S.P.Road, Secunderabad-3.

3 The District Supply Officer, City, Office Complex:C.R.O.,
S.P.Road, Secunderabad-3.

4 The S.O., City, Office of C.R.O.,
S.P.Road, Secunderabad-3.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order of the respondent No.2 and respondent No.3 is illegal and arbitrary and set-aside the same orders of respondent No.2 in case No.C1/2916/2004 dt.16-09-2004 and respondent No.3 order in ROC/B2/257/2004 dt.25-06-2004 and direct the respondent to continue the petitioner as F.P.Shop Dealer as it is.

Counsel for the Petitioner:MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.17761 OF 2004

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ORAL ORDER :

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Heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner is the dealer of Fair Price Shop No.948, Manikeswari Nagar, Hyderabad. He was issued a show-cause notice dated 16-06-2004 alleging diversion of P.D.S. Rice into black-market and calling upon to explain as to why the authorization should not be cancelled. The petitioner submitted his explanation denying the allegations. Having conducted due enquiry, the third respondent – District Supply Officer cancelled the authorization of the petitioner vide proceedings No.ROC/B2/257/2004, dated 25-06-2004. Challenging the order of cancellation, the petitioner preferred an Appeal before the 2nd respondent. The said Appeal was dismissed by proceedings dated 16-09-2004. Aggrieved by the same, the petitioner preferred a Revision before the 1st respondent – Commissioner of Civil Supplies which is still pending. The petitioner states that on the allegation of diversion of P.D.S. Rice to black-market, the stocks were seized and proceedings were also initiated under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act'). It appears that the third respondent ordered confiscation of the entire seized stock and the Appeal preferred by the petitioner under Section 6-C of the Act was dismissed. However, the petitioner preferred a Revision in this Court, being

Crl.R.C.No.1514 of 2004, pending which this Court granted stay of all further proceedings. Now, in this writ petition, the petitioner seeks a declaration that the order of cancellation is arbitrary and illegal. It is contended inter alia that the order of cancellation which was passed merely on the basis of the order of 100% confiscation of seized stock is not sustainable since the order of confiscation has been stayed by this Court in the Revision Case.

As can be seen, the Criminal Revision Case is pending before this Court. Even the revision petition arising out of disciplinary proceedings is pending before the 1st respondent – Commissioner of Civil Supplies. The correctness of the order of the order of confiscation is yet to be decided and at this stage it cannot be said that the disciplinary proceedings initiated against the petitioner are bad. At any rate, since the order of the cancellation is the subject matter of the Revision Petition pending before the first respondent, I am not inclined to express any opinion on merits. It is always open to the petitioner to urge all the grounds in the revision petition in which event the same shall be considered and appropriate orders will be passed in accordance with law.

Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the revision petition pending on his file as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. No costs.

01-10-2004

Note:- CC in two days.

(B/O) MJL

To

1. The Commissioner, Civil Supplies & Ex. Officio Secretary,
Government of A.P., Civil Supplies Bhavan, Somajiguda,
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2 The Chief Rationing Officer, Hyderabad City,
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S.P. Road, Secunderabad-3.

4 The S.O., City, Office of C.R.O.,
S.P. Road, Secunderabad-3.

5. 2 CCs to G.P. for Civil Supplies, High Court Building, Hyderabad. (OUT)

6. 2 CD copies.

